



**Bart L. Graham**  
Commissioner

**State of Georgia**  
**Department of Revenue**

Suite 15300  
1800 Century Boulevard  
Atlanta, Georgia 30345  
(404) 417-2100

**NOTICE**

**RE: (I) Repeal of Rules 560-7-3-.01 "Citation of Law." and 560-7-3-.04 "Compromise of Penalty Cases."**

**(II) Repeal of Rule 560-7-4-.11 "Provisions not Applicable to Corporations."**

**(III) Repeal of Rule 560-7-5-.01 "Net Taxable Income (Corporation). Amended"**

**(IV) Repeal of Rules 560-7-7-.02 "Credit for Sales and Use Taxes." and 560-7-7-.09 "Basis for Determining Gain and Loss; Inventory."**

**(V) Repeal of Rules 560-7-8-.02 "Deceased Taxpayer. Amended.", 560-7-8-.03 "No Verification Required.", 560-7-8-.13 "Secrecy Required of Officials; Information to Federal Officers; Preservation of Reports and Returns.", Rule 560-7-8-.22 "Execution for Collection of Tax; Affidavit of Illegality.", 560-7-8-.23 "Taxes, Debts, Levy, Garnishment.", 560-7-8-.24 "Revenue Collected to be Paid Into State Treasury. Appropriations for Refunds.", 560-7-8-.25 "Suit for Recovery of Tax Illegally Assessed or Collected; Conditions Precedent; Limitations.", and 560-7-8-.28 "Abatement of Income Taxes of Deceased Members of Armed Forces."**

**TO ALL INTERESTED PERSONS AND PARTIES:**

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-7-3 of the Rules and Regulations of the State of Georgia by repealing Rules 560-7-3-.01, entitled "Citation of Law." and 560-7-3-.04, entitled "Compromise of Penalty Cases."

The Department also proposes to amend Chapter 560-7-4 by repealing Rule 560-7-4-.11, entitled "Provisions not Applicable to Corporations."

The Department also proposes to amend Chapter 560-7-5 by repealing Rule 560-7-5-.01, entitled "Net Taxable Income (Corporation). Amended"

The Department also proposes to amend Chapter 560-7-7 by repealing Rules 560-7-7-.02, entitled "Credit for Sales and Use Taxes." and 560-7-7-.09, entitled "Basis for Determining Gain and Loss; Inventory."

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The Department also proposes to amend Chapter 560-7-8 by repealing Rules 560-7-8-.02, entitled "Deceased Taxpayer. Amended.", 560-7-8-.03, entitled "No Verification Required.", 560-7-8-.13, entitled "Secrecy Required of Officials; Information to Federal Officers; Preservation of Reports and Returns.", 560-7-8-.22, entitled "Execution for Collection of Tax; Affidavit of Illegality.", 560-7-8-.23, entitled "Taxes, Debts, Levy, Garnishment.", 560-7-8-.24, entitled "Revenue Collected to be Paid Into State Treasury. Appropriations for Refunds.", 560-7-8-.25, entitled "Suit for Recovery of Tax Illegally Assessed or Collected; Conditions Precedent; Limitations.", and 560-7-8-.28, entitled "Abatement of Income Taxes of Deceased Members of Armed Forces."

Attached with this notice are exact copies and synopses of the proposed repealed rules. There shall be no rules adopted in their place at this time. The Rules are being repealed under the authority of O.C.G.A. § 48-2-12.

The Department of Revenue shall consider the repeal of the above referenced rules at 10:00 a.m. on November 15, 2005 in Suite 15210 of the Department's headquarters at the below address.

The Department must receive all comments regarding the repeal of the above referenced respective rules from interested persons and parties no later than 10:00 a.m. November 15, 2005. Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. N.E., Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to [regcomments@dor.ga.gov](mailto:regcomments@dor.ga.gov). Facsimile comments must be sent to (404) 417-6651. **Please reference "Notice Number IT-2005-2" on all comments.**

Dated: October 3, 2005



Bart L. Graham  
Commissioner  
Georgia Department of Revenue

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-3 SUBSTANTIVE REGULATIONS**

#### **560-7-3-.01 Citation of Law.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-3-.01, entitled “Citation of Law.” Rule 560-7-3-.01 was originally adopted with an effective date of June 30, 1965. The purpose of the regulation was to provide that references to the “Income Tax Act of 1931” include amendments to the act. The “Income Tax Act of 1931” is no longer referenced in Title 48. Further, references to the current Georgia Code inherently include amendments passed by the Legislature. As such, this rule is no longer necessary.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-3  
SUBSTANTIVE REGULATIONS**

**560-7-3-.01 Repealed. Citation of Law.**

~~Any reference to the Income Tax Act of 1931 shall be construed to include amendments to such Act passed by the Legislature.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-3 SUBSTANTIVE REGULATIONS**

#### **560-7-3-.04 Compromise of Penalty Cases.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-3-.04, entitled “Compromise of Penalty Cases.” Rule 560-7-3-.04 was originally adopted with an effective date of June 30, 1965. The purpose of the regulation was to provide that compromise of penalty cases were treated in the same manner as compromise of tax cases. The rule refers to “Section 92-8411” which is the predecessor of O.C.G.A. § 48-2-60 “Compromise settlements; penalty refunds”. Subsection (a) of such section refers only to taxes. However, since O.C.G.A. § 48-2-42 provides that penalties are part of the tax, no regulation is needed to provide for the treatment of compromise of penalty cases.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-3  
SUBSTANTIVE REGULATIONS**

**560-7-3-.04 Repealed. Compromise of Penalty Cases.**

~~Where compromise after actual assessment has been made see  
Section 92-8411.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-4 NET TAXABLE INCOME (INDIVIDUAL)**

#### **560-7-4-.11 Provisions not Applicable to Corporations.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-4-.11, entitled “Provisions not Applicable to Corporations.” Rule 560-7-4-.11 was originally adopted with an effective date of December 31, 1969. In 1969 Georgia adopted federal taxable income as the starting point in computing Georgia taxable income for a corporation. Before this, Georgia gross income and deductions were specifically stated in the Georgia Code. This regulation clarified that the regulations on gross income no longer applied to a corporation. There are no longer any regulations that apply to gross income. Regulations on gross income would have been repealed after federal adjusted gross income was adopted as the starting point in computing Georgia taxable income for individuals in 1971. As such, this rule is no longer necessary.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-4  
NET TAXABLE INCOME (INDIVIDUAL)**

**560-7-4-.11 Repealed. Provisions not Applicable to Corporations.**

Section 23102 of the Code, as amended by Georgia Laws, 1969, p. 115, provides that the tax on corporations is imposed upon Georgia taxable net income which is defined as Federal taxable income with certain adjustments (see Section 560-7-3-.06 of the regulations). Since Georgia taxable net income is based on Federal taxable income which is determined by the provisions on gross income and deductions in the Internal Revenue Code, the regulations in this chapter on gross income no longer apply to corporations, and the term "taxpayer" as used in this chapter does not include a corporation.



# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-5 NET TAXABLE INCOME (CORPORATION)**

#### **560-7-5-.01 Net Taxable Income (Corporation). Amended.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-5-.01, entitled “Net Taxable Income (Corporation). Amended.” Rule 560-7-5-.01 was originally adopted with an effective date of March 7, 1972. Part of the purpose of this rule was to provide that corporations were taxed differently than individuals beginning in 1969. Other than stating this fact, this portion of the rule has no relevant purpose. Additionally, the rule provides that terms that are similar to the Internal Revenue Code have the same meaning unless otherwise provided. Since this is already provided in rule 560-7-6-.02, this is not needed in this rule.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-5  
NET TAXABLE INCOME (CORPORATION)**

**560-7-5-.01 Repealed. ~~Net Taxable Income (Corporation).~~  
~~Amended.~~**

~~(1) As a result of the 1969 Amendment to the Georgia Income Tax Act, Ga. L. 1969, pp. 114 et seq. taxable net income of corporations is determined differently from net income of individuals. Corporate taxable net income is the taxable income of a corporation under the Internal Revenue Code with the adjustments provided in Section 92-3102(b) of the Code and Rule 560-7-3-.06 of the Regulations, allocated and apportioned as provided in Section 92-3113 of the Code and Rule 560-7-7-.03 of the Regulations.~~

~~—(2) Inherent differences exist between the Internal Revenue Code and the Georgia Income Tax Act, and certain terms common to both laws of necessity, have different meanings or connotations. Where no such differences exist between the laws, the terms used in the Georgia Act and in these regulations shall have the same meaning as when used in a comparable context in the Internal Revenue Code. Any reference to the "Internal Revenue Code" in these regulations, unless otherwise specified, shall mean the provisions of the Internal Revenue Code of 1954, plus the amendments thereto and other provisions of the laws of the United States pertaining to Federal income taxes in force and in effect on January 1, 1971.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-7 TAXES**

#### **560-7-7-.02**

#### **Credit for Sales and Use Taxes.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-7-.02, entitled “Credit for Sales and Use Taxes.” Rule 560-7-7-.02 was originally adopted with an effective date of June 30, 1965. The purpose of this rule was to provide the rules with respect to the credit for sales and use taxes. This statute was repealed in the 1960’s and therefore a rule is no longer necessary.

RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION

CHAPTER 560-7-7  
TAXES

**560-7-7-.02 Repealed. Credit for Sales and Use Taxes.**

~~—(1) Manufacture of tangible personal property, for the purpose of qualifying for the tax credit under this law, consists of an operation or a series of separate operations whereby by the application of machines and labor to raw material or materials, at any stage of becoming finished tangible personal property, the form or composition of the material or materials is changed. It includes the assembly of finished units of tangible personal property into a new unit or units of tangible personal property; packaging when the package or container becomes a part of the tangible personal property as such unit is customarily offered for sale by the taxpayer to another manufacturing operation or to the retail trade; delivery of raw materials and work in process or finished units directly from one manufacturing operation to another in the same plant facility but does not include storage, delivery to or from the plant facility or to or from storage, repairs, maintenance, and crating or packaging for shipment.~~

~~—(2) Purchased or leased machinery incorporated for the first time into plant facilities in this State will be considered machinery for new and expanded industry if:~~

~~—(a) It is for use in a new manufacturing operation (a new plant or a new and additional operation in an established plant) or~~

~~—(b) Its installation increases the number of machines already engaged in the same manufacturing operation for which the new machine is designed (for example, the total number of bottle capping~~

machines is increased from 8 to 12 by the addition of 4 bottle capping machines and the 8 old machines are continued in use at their normal capacities), or

—(c) It is machinery replacing old machinery in one or more manufacturing operations and if it meets the requirements of regulation (3) below, then only that part of the replacement machinery that bears the same ratio to all of the replacement machinery as the excess of the normal production capacity of the replacement machinery bears to the normal production capacity of the machinery replaced will be considered machinery for new and expanded industry. For example, if the normal production capacity of the replacement machinery is 110,000 units and the normal production capacity of the machinery replaced was 100,000 units, the excess of the normal production capacity of the replacement machinery over that of the machinery replaced is 10,000 units. Relating this excess of 10,000 units to the normal production capacity of 100,000 units of the machinery replaced, a ratio of 1/10 or ten percent (10%) is obtained. Ten percent (10%) of the replacement machinery is, therefore, incorporated as new and expanded industry for the first time into plant facilities located in Georgia; which means that if the sales and use tax paid on the total replacement machinery amounted to \$1,000.00 then ten percent thereof, or \$100.00, is the amount available for credit under this law. The other ninety percent (90%) of the replacement machinery effects a continuation of an old Georgia manufacturing operation and does not qualify as a basis for the tax credit provided by this law; instead, the \$900.00 in sales and use taxes thereon continues as a deduction under Code Section 92-3109(c).

—(3) The following requirements must be met before replacement machinery which is directly and proximately used in the manufacture of tangible personal property can qualify as being, in part, machinery for new and expanded industry:

~~—(a) The replacement machinery must substantially expand the normal production capacity of the manufacturing operation making such replacement, and~~

~~—(b) The replacement machinery must substantially increase the employment in the manufacturing operation making such replacement.~~

~~—(NOTE: Computation of the proportion of replacement machinery, qualifying under (a) and (b) above, that is considered machinery for new and expanded industry is explained in Regulation 2(c) above.)~~

~~—(c) Any expansion of normal production capacity and any increase of employment will each be considered substantial for purposes of these regulations only if they both occur in the same manufacturing operation in which the replacement of machines is made and only if each is determined with reference to the taxpayer's normal production year in that operation.~~

~~—(d) Replacement machines are used in the same manufacturing operation as the machines replaced in that operation when they are used directly and proximately to produce the same change in form or composition of raw material or to deliver or to package tangible personal property as described in Regulation 1.~~

~~—(e) When, due to technological or other reasons, a replacement machine takes the place of machines of more than one manufacturing operation it will be deemed to be used in the same manufacturing operation to the extent that it is used to do the combined functional or type of work of the machines replaced in more than one operation; that is, to produce the same change in form or composition of raw material, to deliver or to package tangible personal property as described in Regulation 1. In this event, the required expansion in normal production capacity and increase in employment will be determined with reference to the combined produc-~~

~~tion and the combined employment of the machines replaced in more than one operation.~~

~~—(f) The converse of this is true when more than one machine is purchased or rented to replace one machine in a manufacturing operation. In which event the required expansion in normal production capacity and increase in employment will be determined by relating the combined production and the combined employment of the replacement machines with that of the machine replaced.~~

~~—(4) Purchased or leased farm machinery will be considered machinery for new and expanded agriculture if:~~

~~—(a) The machinery is used in a new farm operation.~~

~~—(b) The machinery is an addition to a farm unit engaged in tillage of the soil and/or animal husbandry, and both substantially expands production and substantially increases employment on such farm unit.~~

~~—(c) The principles set out in Regulation 2(C) and Regulation 3 for determining that part or proportion of replacement machinery that constitutes machinery for new and expanded industry will be followed so far as they are applicable under the provisions of this law in determining the part or proportion of any replacement farm machine or machinery that constitutes machinery for new and expanded agriculture. The proportion thus determined is the basis for the tax credit provided by this law, and the illustration contained in Regulation 2(C) is equally applicable to replacement farm machinery.~~

~~—1. Prior regulations of the Revenue Department define the term farm as embracing “the farm in the ordinarily accepted sense, and includes stock, dairy, poultry, fruit and truck farms; also ranches and land used for farming operations.” This definition will be followed in the administration of this law.~~

~~—(5) Credit will be allowed against the income tax for the full amount of Georgia sales and use taxes paid on the purchase or lease of machinery if such machinery is acquired for use as described in paragraph (A) or (B) of Regulation 2. Credit for sales and use taxes paid on replacement machinery (Regulations 2(C) and 4(C), will be computed in accordance with the method illustrated in Regulation 2(C).~~

~~—(a) Any credit so allowed or available to the taxpayer is in lieu of the deduction as permitted under Code Section 92-3109(c). In the case of the purchase or lease of replacement machinery, any sales and use taxes not available to the taxpayer as a credit against the income tax continues as a proper deduction under Code Section 92-3109(c) and regulations thereunder. (See Regulation 2(C) above for illustration.)~~

~~—(b) Any credit available under this Act may be claimed by the taxpayer on returns of income for any three or more of the six consecutive taxable years immediately following the taxable year in which the tax is paid. If not claimed within this time the credit is lost. Credit cannot be claimed on the return of income for the taxable year in which the tax, for which credit is available, was paid, and no more than one third of any such credit can be used against the income tax liability of any one taxable year. The provisions of this Act are effective for all taxable years ending on or after March 7, 1962.~~

~~—(c) If any sale or use tax used as credit against income taxes is subsequently refunded by the State, the amount of income tax liability of any taxpayer, that has been reduced by the use of such credit and to the extent of any income tax benefit received shall be automatically declared due the State of Georgia Income Tax Unit without further assessment and with interest to date of payment. The Statute of Limitations as provided in Code Section 92-3303 shall not apply to this adjustment.~~



~~—(d) The word “paid” as used in this Act (Code Section 92-3111(B)) shall be construed in accordance with the cash basis method of accounting and not in accordance with the definition set out in Code Section 92-3002(m).~~

~~—(6) Taxpayers shall be required to maintain sufficient records to substantiate the expansion of production capacity and the increase in employment in the manufacturing or farming operation in which the replacement of machinery is made on which a credit availability is claimed under this Act. The records should show the production capacity and the employment over a normal production year before the replacement and after the replacement. Invoices for machinery purchased or rented, showing the sales tax paid thereon as a separate item, must be maintained by taxpayer and made available to the State Department of Revenue if necessary for audit.~~

~~—(a) Taxpayers eligible for this credit are required to file Department of Revenue Form IT-200 with the Sales and Use Tax Unit within sixty days after payment of the same and use tax for which eligibility for credit is claimed and not less than forty five days prior to the due date of the income tax return on which credit is to be claimed: Provided, that such sales and use taxes paid prior to September 24, 1962, (the date of adoption of these regulations) must be reported on Form IT-200 within sixty days from such date.~~

~~—(b) Form IT-201, Credit for Sales and Use Tax Paid, must be filed with the Georgia income tax return on which credit is claimed. No credit can be allowed unless this Form IT-201 is completely executed and attached to the income tax return on which credit is claimed. Schedules showing complete details of multiple credits should be attached, giving particular attention to each year's credits available, the amounts used on previous returns, and the unrecovered amounts of each year.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-7 TAXES**

#### **560-7-7-.09**

#### **Basis for Determining Gain and Loss; Inventory.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-7-.09, entitled “Basis for Determining Gain and Loss; Inventory.” Rule 560-7-7-.09 was originally adopted with an effective date of June 30, 1965. The purpose of this rule was to provide the rules with respect to the basis of inventory. Since the basis of property is now computed pursuant to the Internal Revenue Code, with certain statutory adjustments, this rule is no longer needed.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-7  
TAXES**

**560-7-7-.09 Repealed. Basis for Determining Gain and Loss;  
Inventory.**

~~—(1) The basis for determining gain and loss from the sale or other disposition of property is the cost thereof unless otherwise provided, with proper adjustment thereto as hereinafter provided.~~

~~—(2) Property Acquired Before Jan. 1, 1931. If gain or loss is computed on Jan. 1, 1931 values, both cost and such value must be shown and full information given as to how such value was determined. If the amount shown as cost is other than actual cash cost of the property sold, full details must be furnished regarding the acquisition of the property.~~

~~—(3) Use as depreciation the amount of wear and tear, obsolescence, or depletion which has been allowed, or allowable, in respect to such property since date of acquisition. In addition, if the property was acquired before Jan. 1, 1931 and if the cost of such property is greater than its fair market value as of that date, the cost shall be reduced by the depreciation, or other allowance, actually sustained before that date.~~

~~—(4) Where property acquired prior to Jan. 1, 1931 is sold or disposed of thereafter, the taxable gain or deductible loss is determined as follows:~~

~~—(a) A taxable gain is realized if the selling price is greater than the adjusted value of 1-1-31, and if that value is greater than the~~

cost or adjusted cost, to the extent that the selling price exceeds the adjusted value of 1-1-31.

—(b) A taxable gain is realized if the selling price is greater than the cost or adjusted basis of the property, and if the cost or adjusted basis is greater than the adjusted value of 1-1-31, to the extent that the selling price exceeds the cost or adjusted basis.

—(c) No gain or loss results if the selling price is greater than the adjusted value of 1-1-31, but less than the cost or adjusted basis.

—(d) A deductible loss results if the selling price is less than the adjusted value of 1-1-31 and if that value is less than the cost or adjusted basis, to the extent of the differences between the adjusted value of 1-1-31 and the selling price.

—(e) A deductible loss results if the selling price is less than the cost or adjusted cost, and if such cost is less than the adjusted value of 1-1-31, to the extent that the cost or adjusted basis exceeds the selling price.

—(f) Examples:

	Received	Cost or Adjusted Cost	Values or Adjusted Values Jan. 1, 1931	Loss	Gain
1.	\$1,200.00	\$1,000.00	\$1,100.00	\$ _____	\$100.00
2.	1,200.00	1,100.00	1,100.00	_____	100.00
3.	1,200.00	1,300.00	1,000.00	_____	_____
4.	1,200.00	1,400.00	1,300.00	100.00	_____
5.	1,200.00	1,100.00	1,300.00	_____	_____
6.	1,200.00	1,300.00	1,400.00	100.00	_____

—(5) Property Included in Inventory. In the case of property which should properly be included in inventory, the basis shall be the last

~~inventory value thereof. The requirements with respect to the valuation of inventories are set out in Sec. 92-3118(f).~~

~~—(6) Basis for Determining Gain or Loss; Gifts. Applies to all gifts of whatever description, whenever and however made, perfected or taking effect; whether in contemplation of or intended to take effect in possession or enjoyment at or after the donor's death; or whether made by means of the exercise, other than by will, of a power of appointment or revocation or any other power.~~

~~—(7) For the purpose of determining gain or loss, the basis is the same as it would be in the hands of the donor, or the last preceding owner by whom it was acquired by gift.~~

~~—(8) All titles to property acquired by gift relate back to the time of the gift, even though the interest of him who takes the title was, at the time of the gift, legal, equitable, vested, contingent, conditional or otherwise. The time of the gift is the time when the gift is consummated. Delivery, actual or constructive, is requisite to a gift.~~

~~—(9) If the property which constitutes the gift was acquired by the donor prior to Jan. 1, 1931, the basis shall be adjusted to give effect to the 1-1-31 value, whether the gift was made before or after that date, and gain and loss will be recognized in accordance with regulations under 560-7-7-.09.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.02 Deceased Taxpayer. Amended.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.02, entitled “Deceased Taxpayer. Amended.” Rule 560-7-8-.02 was originally adopted with an effective date of March 7, 1972. This was adopted to clarify that subsection (e) of Georgia Code Section 92-3201 (the predecessor to Georgia Code Section 48-7-50) no longer applied due to the enactment of subsection (g) of Georgia Code Section 92-3118 (the predecessor to subsection (f) of Georgia Code Section 48-7-33). The current version of 48-7-50 no longer includes such language and therefore this regulation is no longer necessary.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**560-7-8-.02 Repealed. Deceased Taxpayer. Amended.**

(1) Requirements of Georgia Code Section 92-3201(e) that final return for decedent must be filed on the accrual basis regardless of method formerly used by deceased individual, was superseded by Georgia Code Section 92-3118(g) effective from March 9, 1945. See Regulation and Rule No. 560-7-7-.08(4) relating to unreported income to be included in the decedent's final return.

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.03 No Verification Required.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.03, entitled “No Verification Required.” Rule 560-7-8-.03 was originally adopted with an effective date of June 30, 1965. The rule no longer serves a relevant purpose.



**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**560-7-8-.03 Repealed. No Verification Required.**

~~This section comes from the Act of 1943. Changes have been made in amended sections in this supplement showing that verification of returns is not now necessary, but they have not been made in sections of the original Code. Among the latter are sections 92-3004, 3204 to 3207, and 9912. Sections prescribing penalties for false and fraudulent returns which this subsection preserves, are 92-3211, 3212, 9912 and 9951.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.13**

#### **Secrecy Required of Officials; Information to Federal Officers; Preservation of Reports and Returns.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.13, entitled “Secrecy Required of Officials; Information to Federal Officers; Preservation of Reports and Returns.” Rule 560-7-8-.13 was originally adopted with an effective date of June 30, 1965. The purpose of the rule was to provide when an income tax return can be produced to outside parties. There is sufficient case law that specifies when an income tax return can be produced, hence no rule is necessary.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**560-7-8-.13 Repealed. Secrecy Required of Officials; Information to Federal Officers; Preservation of Reports and Returns.**

~~See section 92-9914 for penalty for violation of this section of the law. It is doubtful whether any court in this State would require the production of an original income tax return in response to a subpoena served upon the Commissioner, in connection with any case not involving taxes. The Act of 1945, page 160, provides as follows, the section being a supplement to 92-3216 quoted above.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.22**

#### **Execution for Collection of Tax; Affidavit of Illegality.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.22, entitled “Execution for Collection of Tax; Affidavit of Illegality.” Rule 560-7-8-.22 was originally adopted with an effective date of June 30, 1965. The purpose of this rule was to provide guidance with respect to an execution and affidavit of illegality. Procedures with respect to an execution and affidavit of illegality are adequately provided in Title 48 of the O.C.G.A. and as such no rule is needed.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**560-7-8-.22 Repealed. Execution for Collection of Tax; Affidavit of Illegality.**

The last sentence in the above section applies to all laws in existence at the time of its enactment, the last date of which was in 1937. (Ga. Laws 1951, Act No. 409 (H.B. No. 43) p. 614, 617) materially changes the provisions of section 92-3306 above. It provides that the State Revenue Commissioner or his agent may levy upon property and issue garnishment, etc., in the same manner now provided for sales, etc., by sheriffs. The section has not yet been codified and for reference only the Department of Revenue is designating it as 560-7-8-.23.

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.23 Taxes, Debts, Levy, Garnishment.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.23, entitled “Taxes, Debts, Levy, Garnishment.” Rule 560-7-8-.23 was originally adopted with an effective date of June 30, 1965. The purpose of the rule was to provide guidance with respect to taxes, debts, levy and garnishment. Procedures with respect to taxes, debts, levy and garnishment are adequately provided in Title 48 of the O.C.G.A. and as such no rule is needed.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**560-7-8-.23 Repealed. Taxes, Debts, Levy, Garnishment.**

~~See also Section 92-3311 relating to taxes becoming a personal debt, and providing for suit for recovery.~~

~~Note: Review of Commissioner's Decisions. The following sections take the place of the old law which provided for a Board of Tax Appeals and which defined its jurisdiction to review decision of the State Revenue Commissioner. Rather than appealing to the Board of Tax Appeals the following sections provide for direct appeal to the courts of this State.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.24**

#### **Revenue Collected to be Paid Into State Treasury. Appropriations for Refunds.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.24, entitled “Revenue Collected to be Paid Into State Treasury. Appropriations for Refunds.” Rule 560-7-8-.24 was originally adopted with an effective date of June 30, 1965. The purpose of the rule was to provide that a special appropriation is needed with respect to special provisions for refunds other than those where tax has been illegally or erroneously collected. Since there is no longer any appropriation language in Chapter 7 of Title 48, the rule is no longer needed.



**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**560-7-8-.24 Repealed. Revenue Collected to be Paid Into State Treasury. Appropriations for Refunds.**

The provision in the above section for an appropriation of \$50,000 annually has been superseded by Section 92-8436, quoted below immediately following 560-7-8-.25. The appropriation is unlimited as to amount where tax has been illegally or erroneously collected, but as to special provisions for refunds, as in the case of members of the armed forces who included all service pay in their returns before the law for excluding \$1,500 was enacted special appropriations is necessary, and usually accompanies such special refunds provisions.

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.25**

#### **Suit for Recovery of Tax Illegally Assessed or Collected; Conditions Precedent; Limitations.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.25, entitled “Suit for Recovery of Tax Illegally Assessed or Collected; Conditions Precedent; Limitations.” Rule 560-7-8-.25 was originally adopted with an effective date of June 30, 1965. The purpose of the rule was to state that a particular Code Section was repealed. Since this was repealed over 40 years ago, this rule is no longer necessary.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**~~560-7-8-.25 Repealed. Suit for Recovery of Tax Illegally Assessed or Collected; Conditions Precedent; Limitations.~~**

~~This section has been repealed by Section 92-8436.~~

# **SYNOPSIS**

## **GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION**

### **CHAPTER 560-7-8 RETURNS AND COLLECTIONS**

#### **560-7-8-.28 Abatement of Income Taxes of Deceased Members of Armed Forces.**

The Georgia Department of Revenue proposes to repeal Rule 560-7-8-.28, entitled “Abatement of Income Taxes of Deceased Members of Armed Forces.” Rule 560-7-8-.28 was originally adopted with an effective date of June 30, 1965. The purpose of the rule was to provide notification of a change in a reference to the statute. Taxes due from members of armed forces dying on active duty is currently discussed in Code Section 48-7-37 and no further guidance is needed.

**RULES  
OF  
DEPARTMENT OF REVENUE  
INCOME TAX DIVISION**

**CHAPTER 560-7-8  
RETURNS AND COLLECTIONS**

**560-7-8-.28 Repealed. Abatement of Income Taxes of Deceased  
Members of Armed Forces.**

~~This section is included as section 92-3118(h). The Codifiers  
have included it as section 92-3302(a) of the Pocket Part of the  
Annotated Code.~~